

HOUSE BILL REPORT

HB 1169

As Reported by House Committee On:
Local Government

Title: An act relating to including public school facilities as essential public facilities.

Brief Description: Including public school facilities as essential public facilities.

Sponsors: Representatives Quall, P. Sullivan, Talcott, Strow, Grant, Buri, Morrell, Miloscia, Dickerson, Morris, Lovick, Simpson, Tom, Chase, Kenney, O'Brien, Sells, Ormsby, Haigh and Santos.

Brief History:

Committee Activity:

Local Government: 1/24/05, 2/21/05 [DPS].

Brief Summary of Substitute Bill

- Adds "public school facilities" to the list of facilities categorized as essential public facilities subject to the comprehensive planning requirements of the Growth Management Act.
- Authorizes a school district to determine that a specific public school facility constitutes an essential public facility, but does not allow the district to determine the specific siting of such school facility.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Simpson, Chair; Clibborn, Vice Chair; B. Sullivan and Takko.

Minority Report: Do not pass. Signed by 3 members: Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; and Woods.

Staff: Thamas Osborn (786-7129).

Background:

The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major requirements of

the GMA. Counties not meeting these criteria may choose to plan under the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required to, or have chosen to, comply with the major requirements of the GMA.

In its comprehensive plan and related development regulations, each county and city planning under the GMA must establish a process for identifying and siting "essential public facilities," which are broadly defined as being those types of facilities that are "typically difficult to site". The definition includes demonstrative examples of such facilities, which include, but are not limited to, the following:

- airports;
- state education facilities;
- transportation facilities;
- correctional facilities;
- solid waste handling facilities; and
- in-patient facilities.

Although the pertinent GMA statute does not explicitly include public school facilities as a specific example of the type of facility included in the definition of essential public facilities, the breadth of the definition would seem to allow the inclusion of public school facilities.

Summary of Substitute Bill:

"Public school facilities" are explicitly added to the list of facilities categorized as essential public facilities subject to the comprehensive planning requirements of the GMA.

A school district may determine that a specific public school facility constitutes an essential public facility, but may not determine the specific siting of such school facility.

Substitute Bill Compared to Original Bill:

The substitute bill authorizes a school district to determine that a specific public school facility constitutes an essential public facility, but does not allow the district to determine the specific siting of such school facility.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill is necessary to address the problem of siting schools in heavily built areas. Because of this problem, many schools are currently being built too far away from population centers. The bill would help solve this problem and may save school districts some money as well. Also, the law should require that schools be included in the GMA planning

process. The bill will specifically require that the siting of schools be included in long term planning. Current law does not allow schools to be included in such planning.

(With concerns) There are concerns about the bill because of a lack of clarity as to the intentions behind it and what effects it might have. Changing the criteria for the siting of schools might be burdensome on cities/towns and may add complexities and problems with respect to the GMA planning process.

Testimony Against: None.

Persons Testifying: (In support) Representative Quall, prime sponsor; Mark Leander; Liza Bott, Burlington Edison School District Board of Directors; and Barbara Mertens, Washington Association of School Administrators.

(With concerns) Dave Williams, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.